

IN THE UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION

PEGGY ROIF ROTSTAIN, ET AL., on
behalf of themselves and all others similarly
situated.

Plaintiffs

V.

TORONTO-DOMINION BANK, ET AL.

Defendants.

Civil Action No 3:09-CV-02384-N-BG

Judge: Hon. David C. Godbey
Mag.: Hon. Nancy M. Koenig

MOTION FOR LEAVE TO INTERVENE

Annalisa Mendez, Jana L. Amyx, Carlos Barbieri, Dorris Burchett, Giancarlo Delon, Dudley A. DeVore, Sandra H. Dorrell, Michael Drance, Patricia Fall, Debbi Fieldsend, Jeremy Fieldsend, Sonia Galvan, Lawrence Grasso, Rose-Marie Grasso, Bonnie O. Habel (f/k/a Bonnie O'Donnell-Painter), Diane Hanlen, Michael J. Hanlen, Heather Hodges, Kevin Hodges, Cindy C. Keenan, Jeffrey M. Keenan, Harry Margiolos, Joyce Margiolos, John Scott Martin, Jr., Ashton Todd Matthews, Sally Matthews, Horacio Mendez, John H. Murph, Jr., Judith E. Ochea, Daniel T. O'Malley, Cindy Pappas, William Pappas, Neil Potter, Teddie Potter, Reese R. Schmidt, Sylvia Slosel, Jane Torgerson, Harvey Trammel, John B. Turbeville, Jr., Teresita Vazquez Weissner, Philip A. Wilkinson, Ginger E. Winningkoff, Kenneth J. Winningkoff, CarVal GCF Lux Master S.a.r.l., Cheswold (Foxhill), LLC, Contrarian Capital Management, LLC, Corbin ERISA Opportunity Fund, Ltd., Corbin Opportunity Fund, L.P., CVI AA Lux Master S.a.r.l., CVI CHVF Lux Master S.a.r.l., CVI CVF II Lux Master S.a.r.l., CVI CVF III Lux Master S.a.r.l., CVIC II Lux Master S.a.r.l., CVIC Lux Master S.a.r.l., FH Stanford Investments Holdings LLC, Fulcrum Credit

Partners LLC, Luxor Capital Group, LP, Next Egg Investments (NFF), LP, WBox 2018-1 LLC, and Whitebox Asymmetric Partners, LP (collectively “Intervenors”), by and through their undersigned counsel, hereby file this Motion for Leave to Intervene in the above-captioned matter, and move the Court, before Hon. David C. Godbey, for an order granting Intervenors’ Motion for Leave to Intervene, and for such other further relief as the Court deems just and proper.

Respectfully submitted,

KASOWITZ BENSON TORRES LLP

By: /s/ Constantine Z. Pamphilis

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ATTORNEYS FOR INTERVENORS

CERTIFICATE OF CONFERENCE

Between April 30, 2019 and May 3, 2019, the undersigned Intervenor's counsel conferred with counsel for the original parties and original intervenors concerning whether they would consent to the relief requested herein. All counsel indicated that their clients were opposed to the motion due to timeliness and prejudice, or otherwise did not indicate why they were opposed.¹

/s/ Nathan W. Richardson
Nathan W. Richardson

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument was served on this 3rd day of May, 2019 on all counsel of record via CM/ECF, and/or email, pursuant to the Rules of Procedure.

/s/ Nathan W. Richardson
Nathan W. Richardson

¹ After three separate emails and multiple phone calls, Intervenor's counsel was unable to contact counsel at Clark Hill Strasburger, who represent certain individual plaintiffs, for purpose of conferring.